## REMARKS

By Office Action mailed April 14, 2006, pending claims 1-11 stand rejected, reconsideration of which is respectfully requested in view of the following remarks. Claims 1-11 are now pending.

*Withdrawal of Prior Rejections*

As an initial matter, Applicants wish to thank the Examiner for finding the pending claims allowable over Kustermann (U.S. Patent No. 6,248,174) in view of Seymour (U.S. Patent No. 5,110,213) – namely, that Kustermann (which discloses methods for measuring the amount of surface coatings applied to paper products) and Seymour (which discloses reflectance-based methods for measuring the concentration of a material in a sample), taken together, would not lead one of ordinary skill in the art to modify the methods disclosed therein to yield a method for determining the degree of loading of a waterproofing agent within a carbon substrate that is dark in color, as recited in pending independent claim 1.

*Rejections Under 35 U.S.C. § 103(a)*

*Claim 1*

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Knop et al. (U.S. Patent No. 5,296,257) in view of Campbell et al. (U.S. Patent No. 5,863,673). More specifically, the Examiner is of the opinion that Knop discloses a method for determining the degree of loading or coating substance on a paper web comprising: (i) measuring the transmittance of light through the paper web when in an unloaded/uncoated state, (ii) measuring the transmittance of light through the paper web when in a loaded/coated state, and (iii) comparing the difference in transmittance to determine the degree of loading. Although the Examiner recognizes that Knop does not teach that the material web may be a carbon substrate or that the carbon substrate is dark in color, the Examiner relies on Campbell to cure these deficiencies. In this regard, the Examiner alleges that Campbell teaches that it is known in the art to provide a waterproofing agent within a carbon substrate, wherein the carbon substrate is dark in color. In view of the foregoing, the Examiner concludes that it would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine the method of Knop with the carbon substrate of Campbell.

Applicants disagree and submit that the Examiner's present rejection of the pending claims over Knop in view of Campbell is inconsistent with the prior finding by the Examiner that the pending claims are allowable over Kustermann in view of Seymour. In this regard, Applicants note that Knop (which, similar to Kusterman, discloses methods for measuring the amount of surface coatings applied to paper products) contains no teaching or suggestion that the method disclosed therein may be applied to determine the degree of loading within a material web, such as a carbon substrate, or that the method disclosed therein may be applied to substrates which are dark in color. These deficiencies of Knop are the same as the deficiencies of Kustermann previously recognized by the Examiner.

Contrary to the Examiner's assertion, Campbell (similar to Seymour) does not cure these deficiencies. In this regard, Applicants note that Campbell merely discloses various representative carbon substrates, which are dark in color, impregnated with waterproofing agents. Campbell contains no disclosure regarding methods for measuring the degree of loading of such waterproofing agents within such carbon substrates. Furthermore, Campbell contains no teaching or suggestion regarding the applicability of a transmission-based measurement method (such as that of Knop) to measure the degree of loading within such carbon substrates. As set forth in Applicants' prior Amendment, filed March 17, 2006, it has been surprisingly discovered that the amount of light transmitted through a carbon substrate that is dark in color is indicative of the degree of loading of a waterproofing agent therein. Neither Knop nor Campbell contains any disclosure, teaching or suggestion to this effect. Accordingly, Applicants submit that Campbell would not motivate one of ordinary skill in the art to apply the method of Knop, which is based upon the transmission of light, to determine the degree of loading within a substrate which is dark in color, as recited in pending independent claim 1.

In view of the foregoing, Applicants submit that the cited references fail to establish a *prima facie* case of obviousness against claim 1, and request that this ground of rejection be withdrawn.

*Claims 2-11*

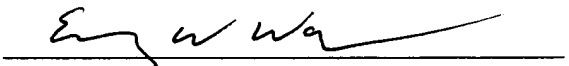
Claims 2-11 stand rejected as being unpatentable over one or more of Knop, Campbell, the "Background of the Invention" section of the present application, Bonsel et al. (U.S. Patent No. 6,197,147) and Bauer (U.S. Patent No. 4,737,651) as set forth in the Office Action. As noted, these rejections are based on the Examiner's conclusion that the method of claim 1 is unpatentable over Knop in view of Campbell. However, as set forth above, Applicants submit that claim 1 is patentable over Knop and Campbell. Since claims 2-11 all depend directly or indirectly from claim 1, they are patentable for the same reasons. Accordingly, Applicants respectfully request that these rejections also be withdrawn.

In view of the above amendments and remarks, allowance of claims 1-11 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Commissioner is authorized to charge any additional fees due by way of this Response, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

Hong Cao et al.

SEED Intellectual Property Law Group PLLC



Emily W. Wagner
Registration No. 50,922

EWW:cw

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

776422